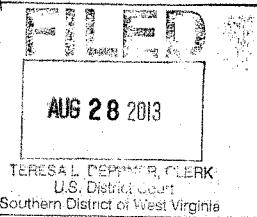


IN THE UNITED STATES FEDERAL COURT  
FOR THE SOUTHERN DISTRICT OF VIRGINIA



Robert CARBAJAL  
Plaintiff/Petitioner  
V.  
Joel Ziegler /Warden et.al.  
Mrs.Odell /CMC et.al.

CASE: 2:13-22371  
Civil Action

## COMPLAINT IN TRESPASS

Comes Now Robert Carbalal, Plaintiff in the above-mentioned Civil Complaint against Defendants Joel Ziegler /Warden et.al. for Negligence and deliberate indifference in their professional capacities as Federal Bureau of Prison Administrators for housing Petitioner in the Special Housing Unit (SHU) continuously from October - 22, 2008, without meaningful access to the courts, without any disciplinary infraction simply because Petitioner is a non gang affiliated Mexican American.

## HISTORICAL AND FACTUAL BACKGROUND

- 1.) Petitioner arrived at FCI Beckley on July 3, 2013. He was placed in SHU under protective custody on July 3, 2013, because he is not a member of Pagan, Tangent survivor, the resident Mexican Gang on Beckleys Compound.
- 2.) Prior to arriving at FCI Beckley, Petitioner was designated to U.S.P.M.CREARY, where he was housed on Protective Custody in the SHU because he is not a member of Aztec Gang. Prior to this, Petitioner was designated to FCI Butner II. In total Petitioner has been housed in the (SHU) for nearly 5 yrs from October 22, 2008, to present.
- 3.) Warden Joel Ziegler et.al. and the F.B.I.P. had a professional responsibility to designate Petitioner to a Gang drop-out or Gang Neutral Federal Facility but they have been Negligent and shown deliberate indifference to Petitioner's safety and treatment. Petitioner is registered for the R-DAP drug treatment program but can not receive drug treatment because of the Negligence and Indifference.

4) Petitioner has requisite Administrative Procedure documents as well as the requisite Clemency documents from the Defendants at F.C.I Beckley, F.C.I Butcher II, and U.S.P. McCleary. Petitioner's Requests have been ignored and denied leaving him without meaningful Access to the Courts and due process. In doing so Defendants have been Negligent and shown deliberate indifference.

5) Defendants Actions have denied Petition Meaning Access to the Courts, and due process, caused Petitioner mental and emotional ~~stress~~, have prevented him from Adequate drug treatment and educational opportunities, and caused him to lose over 100 lbs. From stress over the past 5 years.

### RELIEF REQUESTED

Wherefore Petitioner request that he be immediately designated and transferred to a "Gang drop-out" or "Neutral Prison" where he can receive Adequate treatment.

Wherefore, Petition request whatever financial compensation the Court deems just for damages inflicted by Defendants.

Wherefore, Petition request Leave to proceed in Forma Pauperis as he cannot afford Court Filing Fees.

Date: August 25, 2013

Signed, Robert Carabal  
Reg. #17977-180

### Certified of Service

Petitioner Robert Carabal, hereby affirms that the foregoing Complaint is true and correct to the best of his knowledge, and that copies have been sent to:

Southern District of West Virginia  
United States Court House  
300 Virginia Street EAST  
Charleston, WV, 25301-2523

Warden, Joel Ziegler  
P.O. Box 1280  
Beckley, WV, 25813

CMC, MRS, Odell  
P.O. Box 1280  
Beckley, WV, 25813

Date: August 25, 2013

Respectfully Submitted,  
Robert Carabal #17977-180  
Reg.

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